

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SAMUEL SAN MIGUEL,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOHN COCHRAN, <i>et al.</i> ,)	
)	
Defendants.)	Civil Action No. 5:20-CV-041-C

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Defendants' Motion to Dismiss should be granted.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

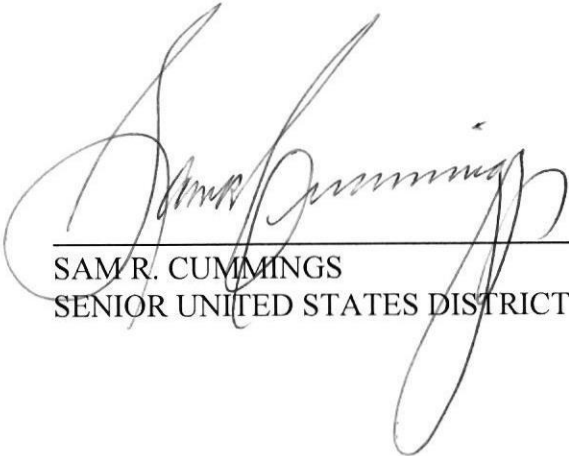
After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the

¹ Plaintiff filed timely objections to the Magistrate Judge's Findings, Conclusions, and Recommendation on March 8, 2022. *See* Doc. 84.

Court **ORDERS** that Defendants' Motion to Dismiss be **GRANTED**.² Accordingly, Plaintiff's claims for monetary relief against Defendants Kingston, Salinas, Castro, and Keesee in their official capacities are **DISMISSED** without prejudice for lack of subject matter jurisdiction; Plaintiff's claims for injunctive relief against all remaining Defendants in their official capacities are **DISMISSED** with prejudice for failure to state a claim; Plaintiff's claims against all remaining Defendants in their individual capacities are **DISMISSED** with prejudice for failure to state a claim; and Plaintiff's claim for declaratory relief is **DISMISSED** with prejudice for failure to state a claim. Any and all remaining pending Motions are **DENIED** as moot. The Clerk of Court is directed to **STRIKE** the Court's prior Referral Order. *See* Doc. 79.

SO ORDERED.

Dated March 14, 2022.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

² Defendants, as used herein, refers to Marsha McLane, Michael Searcy, Rachael Kingston, Chris Salinas, Joanne Castro, and Debra Keesee.